W D 1283—GPB—60,000—1-12-16—S.

[G. R. S. III-2]

General and Revenue Secretariat.

L R File No. (1) of 191 1895-96.

Serial No.

Note on Letter No. 612 dt 12/1/96 from the Dy: Comr. Kharsan.

Subd. for orders.

(sd) C. R. 22/1/96

Subd to 2d Councillor.

It seems to make no difference whether the Sub division is sought under a decree or under a private transfer. To hold otherwise would be virtually to hold that in the case of transfers there need be no minimum which for the transferee whose application is refused can easily get a decree establishing

NOTE—Contn. sheet.

R 7 261-92

G. R. S. IX-5]

Previous references. 1895-96.

191 .

(Land Revenue)

File No. 65

Serial Nos. 1-11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-11.

Major Part B for June 1897

SUBJECT.

Sub. Demission of Coffee Lands for purposes of partition under Civil Court decrees.

Indexed
98

W D 08—GPE—50,000—24-7-16

25

Gen. Serial No. 30.]

5372
A No. 3676
17 JAN. 90
DEWAN'S OFFICE

1895

From

The Commissioner,
Kolar District.

To

Lewis
The ~~Chief~~ *Secretary to the*
Government ~~Dewan~~ *of Mysore.*

SC 10

DESTROYED.

Dated 12 January 1895.

Despatched 12

Received

Enclosures No. one K.P. file.

General No.

Rec No. 612

In reply to ——

SUBJECT.

Submitting for orders
remainder papers send-
ing with Manjarabad
Taluk Auddani's
report relating to the
delivery of certain pro-
perty decreed by the
sub Judge at Mysore.

References (to be entered only in the Dewan's Office.)

(3)

Per
Ref. enly.
M
15/1/95

Submit Hedfn
orders
M
22/1/95

Bd Councillor.

Recommend
reference whether
Subdn is to consi-
der a decree or
order a private transfer.
Should it be merely
held that in the
case of transfers
no need be no mini-
mum selection; for,
in such cases no
selection is refused
to easily get a
free relationship

Name of applicant	Survey No.	Extent applied for	Extent granted	Remarks
Rev. C. Haie	47 (Coffee)	10-0-0	$\frac{1}{3}$ of $\frac{1}{2}$ of $\frac{1}{2}$ of 10-0-0 = 1-26$\frac{2}{3}$	
Do.	46 (Coffee)	19-0-0	$\frac{1}{3}$ of $\frac{1}{2}$ of $\frac{1}{2}$ of 8-0-0 = 3-13$\frac{1}{3}$	
Do.	45 (Coffee)	6-8-0	$\frac{1}{3}$ of $\frac{1}{2}$ of $\frac{1}{2}$ of 6-8-0 = 2-6	
Bawanare	11 (Coffee)	5-8-0	$\frac{1}{3}$ of this = 1-33$\frac{1}{3}$	
Gauravahalli	31 (Coffee)	8-8-0	$\frac{1}{3}$ of $\frac{1}{2}$ of 8-8-0 = 1-16$\frac{2}{3}$	
Gauravahalli	54 (Coffee)	14-0-0	$\frac{1}{3}$ of this = 4-26$\frac{2}{3}$	

No. 612 dated

From

A. Krishnaswamiengar Esq.
Dy. Commissioner
Hassan District.

To,

The Revenue Secretary to the
Govt. of Mysore.

Sir,

I have the honor to submit the
with for orders of Govt. Verna
papers ending with Manjarabad Ta
Amildar's report No. 167 relating to
delivery of certain property decree
by the Sub Judge at Mysore in Civil
Suit No. 5 of 1892 on the file of that C
Sama Venkatappa ~~Do~~ Doddale
-tappa and 3 others.

2. It is ordered and decreed by t
Sub Judge that the Plaintiff Sama
Venkatappa do recover one thir
of the immovable property descri
in the plaint schedule which is
shown in the margin. -

3. The minimum area up to which
applications for Lands for coffee
cultivation should be received a
regulated by Govt. Proc. No. 13450-
R.F. 261-

Assembly Mr. Irving Harris Madison Wright from the present rule of the supreme of 5 dissenters both and whether they not recommend any reduction the Assembly Supt Treasurer for with his views -

There can be no objection to fixing the land in the proposed Act as in other cases the difference passed, but regarding updating the present minimum must update this Act. This Mr Murphy over will refer to the general Govt and

4/8/76

2 Drafts Sent 28. 7/8

the interest on the land, & then adds for a rule dependent on the strength of that decree - In my humble opinion the minimum in the case of lunatics & idiots (and other incompetents) should be fixed at the sum laid down for Lunatics. The present minimum seems to high, & must often lead to embarrassment. The value of cattle has greatly risen of late, & the sale of such land must in many cases be very valuable. The fact that that system is generally not followed for the - Norway bumper, seems rather hard.

There seems no objection to a power being made in the present case

5 lines

dated 31st January 1893 and that such re-
solutions resignations should
1 line be tendered is also regulated by Govt
Fros No. 1945-9 dated 12th May 1894. —
R. 2065

4. It was ruled in Govt Order
No 2260-8 dated 10th June 1895 that the
R. F. 176-93-94
minimum prescribed for dry land
ought not to apply to coffee lands
owing to the special features of which
a larger minimum was laid down
and that the limit prescribed for
absolute relinquishment should be
15 lines followed when dealing with transfe

5. Rule XXX of the Mysore Land
Revenue Rules declares that Section
122 of the Mysore Land Revenue Code
applies to the partition to be made
by the Dy Commissioner, either on
their own authority or on the appli-
-cation of Civil Courts under Sectio
265 of the Civil Procedure Code. Secto
122 of the Revenue Code says down tha
(1) the Estate shall be divided as fa
as possible according to Survey number
without Sub. dividing any numbers,
but if the partition cannot be

instance between the decree holder and the judgment debtors as has been ordered in the case of the transferor and transferee in the concluding portion of Government Pros. No. 22960-8 dated 10th June R.F. 176-93-94 1895. -

Have the honor to be,

Sir,

Your most obt. Servt.

Assistant

Dy. Commissioner

Gaya district

45

DEPUTY COMMISSIONER'S OFFICE,

HASSAN DISTRICT.

Dated Camp Kanbal, 15th December 1896.

No. 753
Enclosure No. 1 full Map

To

The ~~General~~ Secretary to the Govt. of Mysore.
General and Revenue Departments
Bangalore.

SIR,

I have the honor to submit herewith a statement showing the particulars of Gomal land applied for, for cultivation in the Betkalli Tree village Pallya, Hobli, Alur Sub- Talnk, and to request that sanction may be accorded to the same for reasons stated in the Remarks column of the statement.

2. The vernacular papers pending with Deputy Tahsildar's No. 87 dated 22nd July 1895 are herewith submitted for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner.
Hassan District

Palleya

Statement showing the particulars of Gomal Land applied for for Coffee cultivate purposes, in the village of Bellahalli Hobli,
Alur Sub Taluk, Hassan District.

Taluk	Hobli	Village	Area of land under occupation in the village		Area of assessed unoccupied waste land		Total extent of gomal land in the village			Details relating to portion applied for for cultivation, building or other purposes						Number of cattle in the village	Remarks as to whether the remaining extent of gomal land is sufficient for grazing purposes and whether villagers have any objection to the grant of the land applied for, and the ground of objection, if any
							Survey No.	Extent		Survey No.	Extent		Description	Trees thereon: Approximate number of trees	Trees thereon: Estimated value		
			A.	G.	A.	G.		A.	G.		A.	G.					
Alur Sub-Taluk	Palleya	Bellahalli	232	25	13	16	16	180	2	Outlying Survey No: 76	1	26	Bavani	2		170	The remaining Gomal is sufficient for grazing purposes. The villagers have no objection to the grant. This land was sold in public auction and purchased by one Jamalu en of Alur for Rs 130-
							76	24	21				Tentawala	3			
							86	46	15	Phodu No: 88.			Tare	1			
								250	38				Kallodi	9	28-		
													Siddi	2			
													Inula	1			
													Gurtial	1			
													Bamboos	10	4-		

Alur

of relinquishment. Para (5) does not limit the Extent of the Subdivisions made for the purpose of transfer by Sale &c among the several Shareholders.

6. As stated above the minimum prescribed for Dry, Wet and Garden lands ought not to apply for Coffee lands for which a larger minimum has been laid down for applications for subdivision, resolute relinquishments and transfers.-

7. It appears to me that there is no ruling which would apply to the case under reference.-

8. I therefore request that definite instructions may be given as to the limit to be followed in making subdivisions of Dry, Wet and Coffee lands at the instance of Civil Courts.-

9. Any directions if any you may require may be made in the present instance

Subdividing a number, such Subdivision may be made by the Dy Commissioner Subject to the provisions of Sec. 109.-

2) Any number or subdivision of a number, which may remain over after the partition has been carried out, as far as possible according to the last rule, and which is incapable of subdivision or of further subdivision owing to the provisions of Section 109 shall be made over to one of the Sharers in consideration of his paying to the other Sharers the value in money of their shares in the same or shall be sold, and the proceeds divided amongst all the Sharers, or otherwise disposed of, as the Dy Commissioner thinks fit. Section 109 lays down that no Survey number shall be made of less extent than a minimum fixed in the Government Rule XXVII para (1) framed under Section 109 regulates the minimum in the case of Dry lands for waste lands (Dry, wet & garden) and para (2) of the same Rule, that

Gen. 30.] 189

From The ~~Revenue~~ Secretary to the Government of Mysore.

To The Deputy Commissioner Kaveri Patna.

Dated 11.3.96.

Despatched 13

Received

General No. 8321

No. R.H.5-95

Enclosure No. Verification.

DESTROY

This No 353 dated 5th Jan 1/ requesting sanction & the appropriation for Rs 25 being the contingent charges of January 96 and 26 Fantasy bandsmen of January Rs 75 in the Betadapur Village of the Hassan Taluk.

In returning the Vernacular papers received with the above, I am to request the Deputy Commissioner's attention to Government Proc: No 1845-2 dated 31/8 R.H.26-92 January 1893 in which

the minimum area
for new lands to be granted
for coffee cultivation out
of Crown Lands has been
fixed at 5 acres.

By order

12-3-96
Secretary.

11/3/96

11/3/96

REVENUE DEPARTMENT
GL. No. 84 1896
No. 533
1 - AUG 96
From CHIEF SECRETARY'S OFFICE
OFFICE OF THE
991
31 JUL 1896
Chief Commissioner
OF MYSORE

Bangalore 27th July 1896.

To

The Secretary to the
Government of Mysore
General and Revenue Depts

Dated

Despatched 29 July 1896.

Received

General No. 106

No. Seen

Enclosure No.

DESTROYED.

Subject

This office letter No: 612 dated 12th December 1895, submitting for orders of Government certain papers relating with Manjera-bad Taluk Amildar's report No: 167, relating to the delivery of certain property decreed by the Sub Judge at Mysore in Civil Suit No: 5 of 1892 on the file of that Court, Samanencatapha Vodaya Venkatappa and 3 others.

With reference to the above

R 3076
Jan/96

31.7.96
1402
31.7.96
The previous letter quoted in this receipt received in the Judicial Branch
Rev
31.7.96
Def. Rly
1/8/96
164
Copies sent 3/8/96

Has the honor to request early orders on the subject as several cases of the kind are being received from Civil Courts.

Deputy Commissioner
Hazara District

R 65-95
Ps

2 Draft Instructions

J. S. (S)

The Dy Commr
Hassan District.

DESTROYED.

D.V. 1394

Dated 8-8-96
No 1506
R 583

Dy Comm'rs letter No 612
of 12th January 1896, re-
questing the issue of de-
finite instructions as to the
limit up to which the
Sub-division of coffee lands
may be permitted for
purposes of partition
under Civil Court decree,
as the minimum of 15
acres now prescribed for
absolute relinquishment
& for purposes of transfer
cannot be adopted in
such cases.

Referring to the above,
has the honor to request
that the Dy Comm'r will

In reference to the decree passed by the Sub Judge of Bijapur in Civil Suit No 5 of 1892 on the file of that Court

be good enough to State
how your Progs Nos 13-50-2
R-7-2614-92
& 31st January 1893 fixing
the minimum for the
grant of coffee Lands at
5 acres, and your Progs
Nos 19451-9 & 12th May 194
R-2065-
& 22960-8 & 10th June 1895
R-7176-93
prescribing 15 acres as
the minimum for the
Sub-division of Coffee
Lands for purposes
of relinquishment &
transfers, have generally worked
& whether he would
recommend any reduction
in the minima ~~as~~ now
prescribed.

(Sd) "By Order"

Ill 8/4/96

HO 11 for Secretary.
7/8/96

Copy to Colle Dy Commr Kadur
for a similar report.

for Secretary

HO 7/8/96. for Secretary

1507
R-582 dt 8-8-96

2 Drafts of orders

To. SC(G)

65-95
AR 516

The Supdt of Land Survey in Mysore

Dated 8/11 8-96
No 1508
R 583

AE 1391

DESTROYED

In forwarding herewith (in original, to be kindly returned) letter No 612 dated 12th January 1896 from the Dy Commr, Hassan District, asking for a definite ruling as to the limit up to which coffee lands may be sub-divided for purposes of partition under civil Court decrees, the minimum of 15 acres prescribed for absolute relinquishment & for purposes of

) Enclosure Returned.

transfers being very high
& not applicable to
these cases of the kind referred
to, has the honor to
request that the Survey-
Supt will be so good
as to favor Genl with
his views in the matter.

By Order

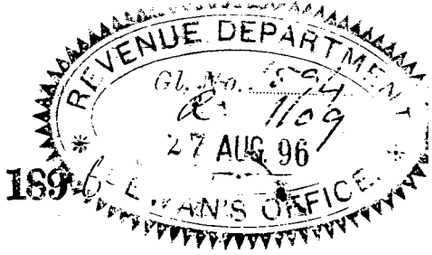
8/96

for Secretary

7/8/96

7/8/96

Gen. 81.]



189

The Dy
26/8/96

Ch
Wh 7/8
Pls prepare reply in line from my Ch
to Pol Secy
reminder
Ch
31/8

Ch reminder pls

From

the Supt Mysore Revenue Survey

To

the Secretary to the Secretary

Dated the 20th August 1896

Dispatched

Received

General No. 1892

No.

Enclosure No. 1

In reply to Secretary's Circ

No 1508 / R 585 of 8/11 . 8 . 96

DESTROYED

Submitting opinion on

the Subject of the limit up to

wh Coffee lands may be

Subdivided for purpose of

partition under Civil Court

decrees.

No 164

Survey Superintendent's Office
Bangalore 20th August 1896

To,

The Secretary to the
Government of Mysore

Sir,

I have the honor to acknowledge receipt of your Docket No 1503 dated the 3rd August 1896 R 588 asking for my opinion on the subject of the limit up to which Coffee lands may be subdivided for purpose of partition under Civil Court Decree.

2 Section 22 of the Mysore Land Revenue Code precludes the subdivision, to form a Survey Number, beyond a

" in the Government Accounts
" or be otherwise recognized
" by Government" (Cf. S.R
& O. 1922 of 23rd December)

I think that the ruling in the
Code is quite clear. Subdivision
cannot be made into Survey
Numbers of less area than the
minimum prescribed for each
kind of cultivation dry, wet,
garden or Coffee as the case
may be. If this rule is infringed
it can only be by Special
Order of Government under
"exception" to Section 109 of the
Land Revenue Code. In any
very special case, for very cogent
reasons, Government might sanction

quote the following.

" (1) When land is subdivided
" by the Courts, the subdivision
" may be recorded according
" to the Court's order or Plot
" Numbers but the Boundaries
" thereafter are to be left-
" to preserve the boundaries
" of the new subdivisions
" for which Government
" Officers are in no way
" responsible. (G. R. No. 2595
" dated 29th May 1942)"

Again

" × × × If a Court assigns
" rights in specified areas
" in Survey Numbers of
" less extent than the min
" -mum prescribed under
" Section 98 of the Code then
" rights cannot be registered

minimum, to be fixed under Section 109 of the same Code, which in the case of Coffee land has been fixed at 5 acres. I therefore think that for the purpose of partition a survey number cannot, consistently with the provisions of the Code, be subdivided into a fresh survey number below the minimum fixed.

3 It is useful in a case of doubtful procedure like the present to turn to the practice in Bombay which has almost precisely the same Code. I quote

a subdivision into a survey
Number of less than the mini=
=mum prescribed but the gover=
=nment should, as in Bombay, be
that Government will in no
way register in the accounts
or recognise Decree of the
Courts of for areas less the
prescribed minima.

4. The Deputy Commissioner
at Para 5 of his letter states
that Rule (3) of the
Rules under the Mysore Land
Revenue Code does not limit
the extent of the subdivisions
for purpose of transfer. By sat
for among the several shares
but

Government is in possession
of my views on the subject.

I have the honor to be
Sir,
Your most obedient servant
A. Lincoln
Supt. Indian Affairs
Denver

as Patentees under the Rules of
1881, to my reading, conceals that
fraction. If it is considered
that some effect might be given
to the Rules of Court whereby
it assigns areas less than the
minimum, the safest plan
would be to make the assigned
area a recognized share of the
Survey Number in which it is
assigned. My own opinion
however is that the provisions
of the Code should be strictly
adhered to. I have always con-
sistently expressed my ob-
jections to any subdivision
unauthorized by the Code and
Government

but this ruling would not apply
to the particular case now in
point, and he states that there
is no ruling which appears to
apply. It appears to me how-
ever that the provisions of Sections
109 and 122 of the Land Revenue
Code are perfectly clear and
that any subdivision other
than therein provided for is oppos-
ed to the Code. I believe that
in Bombay under the Order
of 1892, which I have quoted at
Para 3 above, subdivision under
the Orders of a Court were contra-

Gen. Serial No. 30.]

REVENUE DEPARTMENT
Gl. No. 3151
R 22895
12 NOV. 96
DEWAN'S OFFICE.

1896

From

The Deputy Commissioner
Hassan District.

SLG

To The ~~Chief Secretary~~ to the
Government ~~Dewan~~ of Mysore.
General & Revenue Depts

Dated 9th } Bangalore
Despatched } November 96.
Received DESTROYED.

Enclosures—No.

General No. 403 of 1896-97
No. 5

In reply to Docket No: 1506 / R583 of the 8th August last.

SUBJECT.

Under the circumstances ~~stated~~ represented I recommend that the minimum of 5 acres prescribed by Government Proceedings in the case of lands applied for Coffee cultivation may be generally adopted for purposes of partition under Civil Court decrees & for transfer in favor of other persons &c.

References—(to be entered only in the Dewan's Office).

Div. 1896

SLG

Rev
12.11.96.
Rep. submitted
DRC.
16/11

Sd/- W. 12/11

Sd/- Illegible
DS
20/11/96.

Deputy Commissioner's Office,
Hassan District.

No. 4-3
S.

Dated Hassan 2nd November 1896.

From,

B. L. Rice Mangalore Esquire
Deputy Commissioner
Hassan District.

To,

The Secretary to the
Government of Mysore
General and Revenue Department
Bangalore

Sir,

With reference to your docket No: 1506/R.583 of the 8th August last, calling for a report as to how Government Proceedings No. 18488-2 dated 31st January 1893, Government Proceedings No. 17401-9/R2065 dated 12th May 1894 and Government Proceedings No. 22960-8/R.T.176-93 dated 10th June 1895, have generally worked and whether any reduction in the minimum prescribed is necessary, I have the honor to state that

48

Gen. Serial No. 30.]

REVENUE DEPARTMENT
Gl. No. 4177
1896 No. 30 21 2
26 DEC. 96
DEWAN'S OFFICE.

From

The Dewan Peishcar
& Dasara Dewan

To

The ~~Chief~~ Secretary to the
Government ~~Durbar~~ of Mysore.

General subject.

~~DESTROYED~~

Dated 17
Despatched 18 } December 1896.

Received

Enclosures No. 1 P. file

General No.

No. 5-5-3.

In reply to Rec. 8321 dy 12th March 1896
22-5-95

SUBJECT.

Submitting further information called for in regard to the appropriation for coffee cultivation of a portion of land out of Gund Rao Pet attached to Kelthanalli village, Alur Sub Taluk

---

References (to be entered only in the Dewan's Office.)

Rec'd 21/12/96

21/12/96

SC 10
DS
1896

Returned
21/12

Submitted with draft
24/12/97

Submitted to
2d. Councillor
With draft
6/1/97
7/1/97

Rec'd & returned
7/1/97

Draft approved
and
18/1/97

(39)

that the minimum of 5 acres prescribed by Government Proceedings No. 13650-2 R.T. 261-92 of the 31st January 1893 has worked well. In special cases, Government have accorded sanction for the grant of even smaller areas.

2.— It is only in the operation of the Government order prescribing 15 acres as the minimum for the Sale Division of Coffee lands for purposes of transfer that real hardship is keenly felt. I have come to learn that several applications of transfer conveying smaller areas had to be rejected under that order. No cases of absolute relinquishment under the conditions laid down in Government Proceedings No. 1945-9 R 2065 of the 12th May 1894, have been brought to notice to judge whether the order in this respect has created any hardship. Coffee lands are becoming more and more valuable and very few

Deputy Commissioner's Office,
Hassan District.

No. 553
Dey

Dated Hassan 17th [redacted] 96

From,

The Deputy Commissioner,
Hassan District.

To,

The Secretary to the
Government of Mysore,
Revenue and Rev: Dept.
Bangalore.

Sir,

With reference to your Docket No: 8321/R.T. 5-95 Dated 12th March 96 drawing attention to Government Proceedings No: 13450-2/R.T. 261-92 Dated 31st January 1893, in connection with the Grant of 1-26 Q. Land for coffee cultivation out of Revenue Survey No: 76 of the Belkaballi village, in the Alur Sub Taluk, I have the honor to state that the Land in question was planted in 1891-92 before the receipt of the Government order of 1893, fixing the minimum for coffee lands. The District Sur-

-veyor

(49)

Transfer for appeal

SR 11

Read: —

Correspondence ending with letter No. 553 dated 14th December 1926 from the Deputy Commissioner of the Lushai District, regarding the application for Coffee cultivation of Rs. 26 Junior Circle out of Survey No. 1/1 in the Pachhunga Village, Aizawl Sub Subdi.

DESTROYED.

Order thereon.

As it is reported that the land in question was, ~~leased~~ Mr. Davies in 1891-2 before the receipt of the Government order No. 13455-2 X dated 31/36 Rs. 261-92 January 1893 issuing

Ex 1332-3 Dy 25.6.27
Rs. 261-92 25
W.P.P.

Entered Section

minimum area for
the grant of Coffee lands
out of large Survey Numbers,
and that the circ[illegible]
for coffee cultivation out
of Survey No. 76 is only
1 acre and 26 Guntas, the
Commissioner's recommendation
for the application for
lease is sanctioned, with
the remark that the
delay in submitting the
present recommendation
could have been avoided.
~~if necessary in the factory.~~

The land will be disposed of
under the Coffee Rules.

Yr
Secretary.

197. 6/1/97

6/1/97

a case special case

1816/97

The Commissioner
Mysore will please return
the papers.

Sd/- P. Srinivasa Iyengar
Offg. Secretary.

(36)

Surveyor, who subdivided the land reported in his Rec: 184 dated 17th January 1892, that this extent only was available for cultivation out of the said Jumma. The Dy Commissioner ordered the sale of the same. The final decl. - posal was delayed. Such exceptional cases have since been sanctioned by Government. (Vide Government Proceedings Rec: 6069 Dated 27th September 1893.)

2 —— As the land has fetched at Rs 78-12-1. per acre and the price is paid, the sale may be confirmed. —

3 —— The Vernacular papers connected with the case ending with their Deputy Auditor's report Rec: 86 Dated 6th August 1896, are

(39)

are herewith submitted for further
reference and obliging return.

I have the honor to be,
Sir,
Your most obed^t Servant

W Elkington

Prof^r D^r Lommel
Tokyo Japan